

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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|----------------------------|---|----------------------------------|
| CHRISTOPHER McCOOK, |) | Case No. 2:23-cv-08351-HDV (DTB) |
| |) | |
| Plaintiff, |) | ORDER TO SHOW CAUSE |
| |) | REGARDING FAILURE TO FILE |
| v. |) | FIRST AMENDED COMPLAINT |
| |) | |
| KIMBERLEY BAKER GUILLEMET, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

On September 30, 2023, plaintiff Christopher McCook (“Plaintiff”), proceeding pro se, filed a Complaint under 42 U.S.C. § 1983, naming the following defendants: Kimberley Baker Guillemet (“Judge Guillemet”), Judge of the Superior Court of California, County of Los Angeles; Jessica Field (“Field”), Douglas Murray (“Murray”), Luke Landsberger (“Landsberger”), Victor Munoz (“Munoz”), Michael Takacs (“Takacs”), and Rene Arguelles (“Arguelles”), Senior Investigators, Los Angeles County District Attorney’s Office, Bureau of Investigation; and Scott Paik (“Paik”) and Luis Molina (“Molina”), Sergeants, Los Angeles County District Attorney’s Office, Bureau of Investigation. (Complaint at 1, 14-15 (¶¶ 5-14)). All

1 defendants are sued in their individual capacities only. (Complaint at 1, 13 (¶ 2), 15
2 (¶ 15)).

3 On November 13, 2023, Judge Guillemet filed a Motion to Dismiss on the
4 grounds that the Complaint is barred by absolute judicial immunity and fails to state
5 a claim upon which relief can be granted. (Docket No. 14). Plaintiff filed an
6 Opposition to Judge Guillemet's Motion to Dismiss on November 25, 2023. (Docket
7 No. 17). Judge Guillemet filed her Reply on December 11, 2023. (Docket No. 24).

8 On November 17, 2023, defendant Munoz filed a Motion to Dismiss on the
9 grounds that the Complaint fails to state facts supporting a constitutional violation
10 and that defendant Munoz is entitled to qualified immunity; and separately moved to
11 strike Plaintiff's request for punitive damages. (Docket No. 15). Plaintiff filed his
12 Opposition to defendant Munoz's Motion to Dismiss on November 28, 2023.
13 (Docket No. 18). Defendant Munoz filed his Reply on December 18, 2023. (Docket
14 No. 27).

15 On December 1, 2023, defendants Field, Murray, Landsberger, Takacs,
16 Arguelles and Paik filed a Motion to Dismiss on the grounds that the Complaint fails
17 to state facts supporting a constitutional violation and that defendants Field, Murray,
18 Landsberger, Takacs, Arguelles and Paik are entitled to qualified immunity; and
19 separately moved to strike Plaintiff's request for punitive damages. (Docket No. 22).
20 Plaintiff filed his Opposition to defendants Field, Murray, Landsberger, Takacs,
21 Arguelles, and Paik's Motion to Dismiss on December 8, 2023. (Docket No. 25).
22 Defendants Field, Murray, Landsberger, Takacs, Arguelles and Paik filed their Reply
23 on December 22, 2023. (Docket No. 28).¹

24 On June 20, 2024, the Court issued its Report and Recommendation ("R&R").
25 (Docket No. 32). On July 30, 2024, the District Judge accepted the R&R and Plaintiff
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27 ¹ Defendant Molina is the only named defendant who did not file a Motion to Dismiss the
28 Complaint.

1 was ordered, if he still desired to pursue this action, to file a First Amended Complaint
2 on or before August 29, 2024. (Docket No. 34). On September 20, 2024, Defendants
3 Field, Murray, Landsberger, Munoz, Takacs, Arguelles, Paik and Molina filed a
4 Notice of Non-Receipt of First Amended Complaint and Request for Entry of
5 Judgment of Dismissal. (Docket No. 35). Plaintiff was advised that if he choose to
6 file a First Amended Complaint, it should bear the docket number assigned in this
7 case; be labeled "First Amended Complaint"; and be complete in and of itself without
8 reference to the Complaint, or any other pleading, attachment, or document.

9 As of this date, Plaintiff has not filed a First Amended Complaint, nor has he
10 communicated with the Court since the filing of his January 28, 2024 Notice of
11 Change of Address.

12 Plaintiff is ordered to show cause why this action should not be dismissed for
13 lack of prosecution and failing to comply with the Court's order. Plaintiff may
14 alternatively file a First Amended Complaint or a Notice of Voluntary Dismissal to
15 discharge this Order to Show Cause. Plaintiff's response is due no later than **October**
16 **31, 2024**. The Clerk is directed to send Plaintiff a blank Central District civil rights
17 complaint form, which Plaintiff is encouraged to use as well as a Central District
18 request for dismissal form.

19 **Plaintiff is hereby cautioned that failing to comply with this Order will**
20 **result in the recommendation that this action be dismissed for failure to**
21 **prosecute and failure to comply with the Court's Order.**

22 DATED: October 3, 2024

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24 DAVID T. BRISTOW
25 UNITED STATES MAGISTRATE JUDGE
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